

REMARKS

This Amendment is submitted in response to the Office Action dated November 1, 2004 in conjunction with a Request for Continued Examination. Applicants have amended Claims 1, 17, 18, 21, 31 and 35. Also, Applicants have amended the Drawings and the Specification. No subject matter has been added to the Claims, the Drawings or the Specification. Applicants have submitted herewith a Supplemental Information Disclosure Statement. Enclosed is a check to cover the cost of the Request for Continued Examination. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment in connection with this Amendment.

Supplemental Information Disclosure Statement

Applicants have submitted herewith a Supplemental Information Disclosure Statement. Applicants respectfully request the consideration of the references cited in such statement.

Specification and Drawings

Upon review of the Specification and Drawings, Applicants found a missing reference numeral. Accordingly, Applicants have voluntarily added reference numeral 81 to the Specification and to Fig. 10 of the Drawings. Applicants have not added any new subject matter to the Specification or Drawings.

Claim Rejections – 35 U.S.C. §102

The Office Action rejected Claims 1-9, 17-24 and 31-38 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,951,449 to Thorud ("Thorud"). Thorud discloses a walk-behind lawn mower. Thorud's lawn mower has a mower deck. The top surface (22) of the mower deck defines a discharge chute (30). The lawn mower has a chute plug (32) that is used to block the discharge chute when the operator is mulching the grass.

With respect to Claim 4, the Office Action stated that Thorud discloses a discharge opening that is located on a bottom section of the rear portion. The Office Action referenced Fig. 3 of Thorud for such disclosure. Applicants respectfully disagree with and traverse such rejection. Based on Applicants' review, Fig. 3 of Thorud does not disclose the discharge chute (30) or the opening leading thereto. As shown in Fig. 1A of Thorud, the discharge chute (30)

and opening leading thereto is located at the top of the deck (12). As stated in Thorud, “[m]ounted toward the right rear corner of housing 12, and adjacent top surface 22, is a discharge chute 30 which is generally inclined upwardly and rearwardly relative to housing 12.” (Thorud, Column 5, Lines 21-24). Therefore, Applicants respectfully submit that the invention defined by Claim 4, as depending from unamended Claim 1, is patentable over Thorud. Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to independent Claim 1 to clarify the claim language. In addition, Applicants have amended independent Claims 17, 21, 31 and 35 to distinguish the claimed subject matter from Thorud.

Amended Claim 1 (and Claims 2-16 which depend therefrom) are directed to a mower deck including a top surface, a cutting blade rotatably supported beneath the top surface, and at least one sidewall depending from the top surface to form a cutting chamber within which the blade rotates. The sidewall has a front portion and a rear portion. The rear portion has a lower perimeter extending substantially vertically downward from the top surface, and the rear portion defines a discharge opening positioned between the top surface and at least a portion of the lower perimeter. Also, the mower deck includes an insert that is removably attached to the rear portion so as to block the discharge opening and enable the chamber to be selectively operated in a mulching mode by attaching the insert or in at least a partial discharge mode by removing the insert. Thorud does not disclose such a mower deck. Therefore, Applicants respectfully submit that Claims 1-16 are in condition for allowance.

Amended Claim 17 (and Claims 18-20 which depend therefrom) are directed to a mower deck including a top surface, a cutting blade rotatably supported beneath the top surface, and at least one sidewall depending from the top surface and forming a cutting chamber within which the blade rotates. The sidewall includes a front portion and a rear portion. The rear portion: (a) has an interior surface and an exterior surface, where the interior surface defines a portion of the cutting chamber; (b) extends substantially vertically downward from the top surface; and (c) defines a discharge opening. Also, the mower deck includes an insert attachable to the rear portion. The insert is configured to block the discharge opening. The mower deck has at least one fastener operable to attach the insert to the rear portion at the discharge opening, wherein a portion of the fastener is positioned adjacent to the exterior surface of the rear portion of the

sidewall. Thorud does not disclose such a mower deck. Therefore, Applicants respectfully submit that Claims 17-20 are in condition for allowance.

Amended Claim 21 (and Claims 22-24 which depend therefrom) are directed to a lawnmower deck including a cutting chamber having a top surface and at least one sidewall. The top surface passes through an upper plane, and the sidewall includes a front portion and a rear portion. The rear portion extends substantially vertically downward from the top surface, and the rear portion has a lower edge passing through a lower plane. The rear portion defines at least one discharge opening positioned between the upper plane and the lower plane. The lawnmower deck includes a mulching blade rotatably connected to the chamber. The mulching blade is disposed within the chamber. Also, the lawnmower deck includes a mulch ramp connected to the chamber. The mulch ramp is disposed between the top surface of the chamber and the blade. The lawnmower deck includes an insert removably attachable to the rear portion. The insert is positionable so as to cover the discharge opening. Thorud does not disclose such a lawnmower deck. Therefore, Applicants respectfully submit that Claims 21-24 are in condition for allowance.

Amended Claim 31 (and Claims 32-34 which depend therefrom) are directed to a mower deck portion including a top wall and at least one side wall connected to the top wall. The side wall has a front portion, a rear portion and a plurality of side portions. The rear portion extends substantially vertically downward from the top wall, and the rear portion includes a rear discharge wall having a lower edge. The rear discharge wall defines a rear discharge opening between the top wall and at least a portion of the lower edge. The mower deck portion has a cutting chamber defined by the top wall and the side wall. Also, the mower deck portion has a discharge control device and at least one securing member which removably secures the discharge control device to the rear discharge wall, wherein a portion of the securing member has a position outside of the cutting chamber so as to facilitate installation and removal of the discharge control device. Thorud does not disclose such a mower deck portion. Therefore, Applicants respectfully submit that Claims 31-34 are in condition for allowance.

Amended Claim 35 (and Claims 36-38 which depend therefrom) are directed to a mowing machine operable in a mulching mode and a discharge mode. The mowing machine includes a frame, a plurality of wheels rotatably coupled to the frame, a power unit supported by

the frame, at least one drive member operatively coupled to the power unit, and a mower deck operatively coupled to the drive member. A portion of the mower deck has a top wall and at least one side wall connected to the top wall. The side wall has a front portion, a rear portion and a plurality of side portions. The rear portion extends substantially vertically downward from the top wall. The rear portion includes a rear discharge wall having a lower perimeter. The rear discharge wall defines a rear discharge opening between the top wall and a portion of the lower perimeter. The mowing machines also has a cutting chamber defined by the top wall and the side wall, a discharge control device, and at least one securing member which removably secures the discharge control device to the rear discharge wall. A portion of the securing member has a position outside of the cutting chamber so as to facilitate installation and removal of the discharge control device. Thorud does not disclose such a mowing machine. Therefore, Applicants respectfully submit that Claims 36-38 are in condition for allowance.

Claim Rejections – 35 U.S.C. §103

The Office Action rejected Claims 10-16 under 37 U.S.C. §103(a) as being unpatentable over Thorud. Claims 10-16 depend, directly or indirectly, from Claim 1. Based on the amendments made to Claim 1 (for the reasons provided above), Applicants respectfully submit that Claims 10-16 are patentable over Thorud.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Amendment, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 10. This sheet replaces the original sheet including Figure 10.

Attachment: Replacement Sheet